



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,599	01/26/2001	Eric Neil Miller	0370-1-1	6893

25207 7590 03/27/2006

POWELL GOLDSTEIN LLP  
ONE ATLANTIC CENTER  
FOURTEENTH FLOOR 1201 WEST PEACHTREE STREET NW  
ATLANTA, GA 30309-3488

EXAMINER

NGUYEN, TAN D

ART UNIT PAPER NUMBER

3629

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/770,599	MILLER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tan Dean D. Nguyen	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 18-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892).  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/29/06 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

Art Unit: 3629

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Method claims 18-23, 24-25, and 26 are rejected under 35 U.S.C. 103(a)** as being unpatentable over (1) www.redcross.org (Jan. 25, 1999) in view (2) **BEZOS et al** (US Patent 6,029,141) and (3) **HOPKINS** (Article "Charity Auctions and Tax Law", Nov. 1994).

**As for independent method claim 18**, www.redcross.org fairly teaches a method for charitable donation management and reporting, comprising the steps of:

a) receiving at a 1<sup>st</sup> Internet website an indication from a donor to make a donation to the charitable organization, the 1<sup>st</sup> website being a website of a charitable organization;

c) providing information regarding projects of the charitable organization to the donor {see "Tornado Victims Need your help", or "Picking up the Pieces", on page 2, or "Blood Donations" project, pages 7-8, or "National Rapid Response Corps", page 10},

d) receiving a selection of a project from the donor;

e) providing a plurality of contribution options to the donor the selected project, the contribution options comprising at least one of (a gift and at least one of the following other contribution options: a membership (see page 10), or a purchase of a tangible item page 2 "Last chance to order" or page 6);

Art Unit: 3629

f) providing information to the donor regarding a minimum donation amount (page 6, a \$15.00 value and proceeds support your local Red Cross),

g) receiving a selection of a contribution option from the donor {page 14}

h) receiving an indication of a donation amount from the donor for the selection {page 14};

i) receiving payment information from the donor for the selection {page 14};

j) receiving delivery information from the donor for the selection {page 14};

k) providing confirmation information to the donor for the selection {page 14};

l) collecting transactional data concerning the donor, the donation amount, and the selection (inherently included as discussed on page 4, and the Red Cross normally provides a copy of the amount of donation and amount deductible for computing income and estate taxes at year end).

Note that the steps of (f) –(l) are well known charity fundraising managing and reporting parameters, and the practices of these steps, whether online or offline, would have been obvious to a skilled artisan. [Www.redcross.org](http://www.redcross.org) fairly teaches the claimed invention except for step (b).

In a similar environment dealing with charity auctions and tax law, HOPKINS fairly teaches a donation level in concert with the asset to the donor, a) deductible payment to a charity for those that exceed the fair market value of anything that the donor may receive in return, and b) no charitable deduction payment for those that roughly equal to the fair market value of the item {see pages 3–4}. It would have been obvious to a skilled artisan, i.e. fundraising manager/marketer, at the time the invention

Art Unit: 3629

was made to modify the teaching of www.redcross.org by including the donation level in concert with the purchase of the item to indicate level of charitable deduction. Note that on page 6, the last 3 paragraphs, show that “every transaction at a charitable auction” is, in whole or substantial part, a “purchase”, thus engaging in “sales”.

In a similar environment dealing with transaction of good/service between a customer and a business entity on the Internet/website, BEZOS et al teaches the hyperlink of a 1<sup>st</sup> website entity (associate) to a 2<sup>nd</sup> website entity (merchant) to allow customers, who accesses the 1<sup>st</sup> website entity and with interest to do business with the 1<sup>st</sup> website entity, to make complete a service or business transaction (sales) at the 2<sup>nd</sup> website entity, thus enhancing business efficiency since the 1<sup>st</sup> website lacks the resources needed to generate efficient marketing and profit, i.e. insufficient provision of business information about product to the customer and lack of usage of customer historical data for further transaction and the 2<sup>nd</sup> website has the resources to provide efficient marketing and review, data analysis, and efficiently attract potential customers to the web site with capable advertising resources {see col. 1, lines 25-45, 50-67, col. 3, lines 10-40, col. 6, lines 1-45, col. 7, lines 5-25. Note on col. 6, lines 41-47, BEZOS et al discloses that the 2<sup>nd</sup> website would handle the tasks of processing online orders, shipping products, collecting payment, and providing customer service, and the 1<sup>st</sup> website need not be concerned with these tasks. Therefore, it would have been obvious to a skilled artisan to modify the teachings of www.redcross.org /HOPKINS by including step (b) as taught by BEZOS et al to enhance operation/business efficiency and profits if the website or teachings of www.redcross.org /HOPKINS lacks the

Art Unit: 3629

resources to carry out effective marketing, data analysis, advertising, backend and front-end support or abilities to attract customers to their websites for the benefits cited above. Note that on col. 8, BEZOS et al discloses that sales of product reads over sales of service. Therefore, offering any services that results in a financial transaction, i.e. donation of money, would have been obvious to a skilled artisan.

**As for dep. claims 19-20** (part of 18 above), which deals with well known contribution options parameters, i.e. the type of tangible items purchased, these are non-essential to the scope of the claimed invention and would have been obvious to a skilled artisan. Moreover, they are taught in [www.redcross.org](http://www.redcross.org) page 6. As for the limitation of plurality, this would have been obvious for duplicate or multiple effects.

**As for dep. claim 21** (part of 18 above), which deals with well known contribution options parameters, i.e. textual information, this is non-essential to the scope of the claimed invention and would have been obvious to a skilled artisan as routine fundraising works. Moreover, this is taught in [www.redcross.org](http://www.redcross.org), page 2.

**As for dep. claims 22-23** (part of 18 above), which deals with well known contribution/fundraising managing parameters, e. providing transactional between websites and contribution options, etc., these are fairly taught by [www.redcross.org](http://www.redcross.org) on pages 4, 14-15, BEZOS et al on col. 16, lines 10-25, Appendix B on col. 18, especially lines 25-30.

**As for the independent method claim 24**, which has similar limitations as in independent method claim 18 above, but with an additional website for charity organization for fundraising from a 2<sup>nd</sup> donor, the duplicate of another or for a 2<sup>nd</sup>

Art Unit: 3629

website and donor would have been obvious to a skilled artisan for obtaining multiple effects if desired. See *In re Harza*, 124 USPQ 378, CCPA 1960, or *St. Regis Paper Co. vs. Bemis Co.*, 193 USPQ 8, 11; 549, (7th Cir. 1977).

**As for dep. claim 25** (part of 24 above), which has the same limitation as in dep. claim 22 above, it's rejected for the same reason set forth above.

**As for the independent method claim 26**, which has duplicate parts or steps of independent method claim 18 above, the duplicate of another part/process, i.e. for a 2<sup>nd</sup> charity website, 2<sup>nd</sup> central Internet website and 2<sup>nd</sup> donor would have been obvious to a skilled artisan for obtaining multiple effects if desired, absent evidence of unexpected results. See *In re Harza*, 124 USPQ 378, CCPA 1960, or *St. Regis Paper Co. vs. Bemis Co.*, 193 USPQ 8, 11; 549, (7th Cir. 1977).

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Article "Publishers Clearing House and Linkshare Partner", Nov. 10, 1998, is cited to show the hyperlink between websites teachings similarly to the claimed invention. It's cited here for applicant's awareness of potential use in the next office action if needed.

(2) [www.fhcrc.org](http://www.fhcrc.org) has the same concepts/teachings (donation, purchase, project, etc.) as in [www.redcross.org](http://www.redcross.org). It's cited here for applicant's awareness for potential use in the future if needed to avoid duplicate rejection.

No claims are allowed.



Art Unit: 3629

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

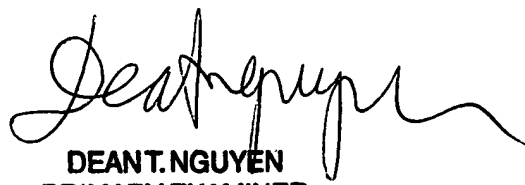
In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail [CustomerService3600@uspto.gov](mailto:CustomerService3600@uspto.gov).

Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number (571) 272-6806. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday.

Should I be unavailable during my normal working hours, my supervisor John Weiss can be reached at (571) 272-6812.

The main FAX phone numbers for formal communications concerning this application are (571) 273-8300. My personal Fax is (571) 273-6806. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

dtm  
March 18, 2006

  
**DEANT. NGUYEN**  
**PRIMARY EXAMINER**